

## **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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ACCELERATION BAY, LLC,

Plaintiff,

v.

C.A. No. 16-455 (RGA)

TAKE-TWO INTERACTIVE

SOFTWARE, INC., et al.,

Defendants.

- - - - - - - - - - - - - - -x

CONFIDENTIAL - OUTSIDE COUNSEL ONLY

Videotaped deposition of Michael Mitzenmacher, Ph.D.

Boston, Massachusetts

July 27, 2018

9:01 a.m.

Job No.: 710962

Pages: 1 - 266

Reported By: Alan H. Brock, RDR, CRR

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| <p style="text-align: right;">Page 54</p> <p>1 discussed, for any of the -- at any time for any of<br/>2 the games that are at issue in your reports in this<br/>3 case?</p> <p>4 A. No, I don't believe so.</p> <p>5 Q. So if we could go to Page 63 of your<br/>6 opening report. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. At the bottom of Page 63 and the top of<br/>9 Page 64 there are some annotations and a screenshot<br/>10 of what appears to be a Grand Theft Auto Online game<br/>11 session. Is that a fair characterization of what's<br/>12 shown here?</p> <p>13 MR. FRANKEL: Hold on, please, before<br/>14 you answer.</p> <p>15 The reason I asked to hold on, it<br/>16 doesn't look to me like that figure printed<br/>17 properly. I'm referring to the figure at the bottom<br/>18 of 63. Is that relevant to what you're going to ask<br/>19 the witness?</p> <p>20 MR. TOMASULO: Well, what I think<br/>21 happened is that it didn't come to us properly. It<br/>22 may have been something that didn't --</p> <p>23 May I ask a few more questions, and then<br/>24 we'll see if we can get to the bottom of this?</p> <p>25 MR. FRANKEL: Sure. You're representing</p>             | <p style="text-align: right;">Page 56</p> <p>1 Q. Am I correct that Exhibit 6 is what the<br/>2 figure at the bottom of 63 and the top of 64 should<br/>3 look like?</p> <p>4 A. That's my recollection.</p> <p>5 Q. That there was some kind of an error that<br/>6 has separated the red overlays from the actual<br/>7 screenshot; is that right?</p> <p>8 A. Yeah. Maybe a picture got moved and only<br/>9 one of the pictures got moved and not the overlay in<br/>10 the final printing.</p> <p>11 Q. Assuming that Exhibit -- are we correct in<br/>12 assuming that Exhibit 6 is what this is supposed to<br/>13 look like?</p> <p>14 A. Let me just do a quick check, but I believe<br/>15 so, or that's my recollection.</p> <p>16 MR. FRANKEL: Doctor, you can take your<br/>17 time to confirm that.</p> <p>18 A. That looks correct.</p> <p>19 Q. So with respect to this figure, this<br/>20 Exhibit 6, what's the intention of what's being<br/>21 depicted here? That's kind of a crummy question.<br/>22 Let me ask you a different question.</p> <p>23 Did you create this Figure 6 that's<br/>24 shown in Exhibit 6?</p> <p>25 A. I'd say I can't recall. I know the</p>  |
| <p style="text-align: right;">Page 55</p> <p>1 that you endeavored to print this as it came to you,<br/>2 and your understanding is that the copy of the<br/>3 report you were served on had the image like that?<br/>4 Is that correct?</p> <p>5 MR. TOMASULO: That is correct. I'll<br/>6 see if I can pull up my copy and just confirm.</p> <p>7 That is correct. The electronic copy --<br/>8 this isn't a printing error. This would be -- if<br/>9 there's an error, which there certainly appears to<br/>10 be, it would not have been associated with us having<br/>11 a printing problem.</p> <p>12 MR. FRANKEL: It's not you, it's us.</p> <p>13 MR. TOMASULO: It might not be you. It<br/>14 might be the Internet.</p> <p>15 MR. SOMMER: We'll blame it on Adobe.</p> <p>16 MR. FRANKEL: I'm sorry, counsel, just<br/>17 before we go on: Do you have a copy of Dr.<br/>18 Medvidovic's report?</p> <p>19 MR. TOMASULO: Yes, so I have the<br/>20 printout from that, which is better.</p> <p>21 Can we mark this as the next exhibit,<br/>22 please.</p> <p>23 (Exhibit 6 marked for identification.)</p> <p>24 A. Oh, yeah. Somehow the red looks as if it's<br/>25 supposed to be overlaid there.</p> | <p style="text-align: right;">Page 57</p> <p>1 screenshot was not mine. That came from somewhere.<br/>2 To be honest, I don't think I created the overlay,<br/>3 but I -- I'd say I can't recall.</p> <p>4 Q. So the screenshot was not something coming<br/>5 from something you personally observed?</p> <p>6 MR. FRANKEL: Objection to form.</p> <p>7 A. The screenshot was not something that I<br/>8 personally developed.</p> <p>9 Q. Is it possible that this was generated by<br/>10 Dr. Medvidovic?</p> <p>11 A. I'd say it's possible, and again, this may<br/>12 have been something that came to me or suggested by<br/>13 counsel as we were working through examples to show<br/>14 or demonstrate.</p> <p>15 Q. But to be clear, this isn't a depiction of<br/>16 gameplay that you personally observed.</p> <p>17 A. It's not a depiction that I personally<br/>18 played, right, and I didn't observe it in the course<br/>19 of it being played. This is like a screenshot, and<br/>20 I believe the description at Paragraph 129 of the<br/>21 report describes or discusses the framing of the<br/>22 screenshot and what it represents.</p> <p>23 Q. So there's some annotations added to the<br/>24 screenshot; correct?</p> <p>25 A. Yes. That would be the stuff that sort of</p> |

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|---|--|
| <p style="text-align: right;">Page 58</p> <p>1 fell off onto the side, for instance.</p> <p>2 Q. Can you explain what's originally in the<br/>3 screenshot, as opposed to what was added in the<br/>4 image?</p> <p>5 A. What is added to the image is the red lines<br/>6 and arrows and the numbers 1 through 6 and the<br/>7 corresponding boxes.</p> <p>8 Q. And then the rest of it is, to your<br/>9 knowledge, an accurate screenshot?</p> <p>10 A. Yes.</p> <p>11 Q. You say that there are two players, 5 and<br/>12 6, that were not on the screen. Is that what you're<br/>13 showing by the screen squares with the arrows<br/>14 pointing to them?</p> <p>15 A. Yes, and I believe that's also represented<br/>16 in Paragraph 130.</p> <p>17 Q. How do you know those players were there?</p> <p>18 A. Again, so I think maybe you're missing the<br/>19 point of the picture, and I think this is discussed<br/>20 in Paragraph 131. You know, this is meant to be an<br/>21 illustration of the four-by-four Deathmatch and how<br/>22 it works. There are other players, and they exist<br/>23 in the game because it's a four-by-four Deathmatch.<br/>24 You know, their location as shown in Figure 130<br/>25 could be set up to have those locations simply by</p>   | <p style="text-align: right;">Page 60</p> <p>1 that can arise during a four-by-four Deathmatch game<br/>2 under the following conditions that are expressed in<br/>3 129 to 131.</p> <p>4 Q. And just to be clear, those conditions<br/>5 aren't something you personally observed which led<br/>6 to this figure; right?</p> <p>7 MR. FRANKEL: Objection to form.</p> <p>8 A. I did not personally observe this picture,<br/>9 but I've seen the, you know -- in playing the game I<br/>10 have seen situations like this where you can see or<br/>11 not see other players; and similarly in my general<br/>12 viewing of, you know, online videos of people<br/>13 playing the games, this matches my understanding of<br/>14 how the game is played.</p> <p>15 Q. Is this something that you tried to<br/>16 recreate from your memory?</p> <p>17 MR. FRANKEL: Objection to form.</p> <p>18 A. Recreate from my memory? I mean, again,<br/>19 maybe I'm not clear on the question. Could you<br/>20 explain what you mean?</p> <p>21 Q. Well, you said you played the games.</p> <p>22 A. Yes.</p> <p>23 Q. So is this some scenario that you recall<br/>24 happening in a game and that you instructed whoever<br/>25 prepared this to recreate it because you remembered</p> |
| <p style="text-align: right;">Page 59</p> <p>1 positioning the player. To be clear, as stated in<br/>2 131, the image is for illustration purposes.</p> <p>3 Q. Did you add or direct the addition of<br/>4 Players 5 and 6 to this screenshot?</p> <p>5 A. I'm not clear what you're asking.</p> <p>6 Q. I think what you're saying -- well, there's<br/>7 a 5 and a 6 with those arrows; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Were those Players 5 and 6, those green<br/>10 boxes and those red arrows to the boxes of 5 and 6,<br/>11 were those added to this at your direction?</p> <p>12 A. It's a -- or, yes, that it matches the<br/>13 explanation that I've provided in Paragraph 129,<br/>14 that Player 5 has a line of sight with Player 2 and<br/>15 two other players not shown in the illustration<br/>16 below. That's what that arrow to 5 is meant to<br/>17 represent. Again, that's also depicted in a<br/>18 different form in Paragraph 130.</p> <p>19 Q. How do you know this is from a four-on-four<br/>20 Deathmatch?</p> <p>21 A. This picture I think is for illustrative<br/>22 purposes. It's a screenshot we were using to do it.<br/>23 I don't think the intention of this is to say I was<br/>24 playing a four-by-four Deathmatch and this is the<br/>25 setting that arose. It's to say this is a setting</p> | <p style="text-align: right;">Page 61</p> <p>1 it?</p> <p>2 A. No, I don't think I set it up that way,<br/>3 although I could set it up that way.</p> <p>4 Q. Do you recall ever playing in a four-on-<br/>5 four Deathmatch?</p> <p>6 A. I believe I've played in a four-on-four<br/>7 Deathmatch. I'm not sure, but I believe I have.</p> <p>8 Q. So how do you know -- what data do you have<br/>9 to show that Players 5 and 6 would be visible to<br/>10 Players 2 and 4 but not 1 and 3?</p> <p>11 A. That -- again, so part of it would be just<br/>12 the visibility on the screen. But in terms of --<br/>13 particularly with Grand Theft Auto, as I referred to<br/>14 in Paragraph 161, this is illustrating the issue of<br/>15 proximity rules for data exchange, which is<br/>16 described both in my report and also in Mr. Conlin's<br/>17 testing report.</p> <p>18 MR. FRANKEL: Counsel, just a second: I<br/>19 believe for clarity of the record that the witness<br/>20 gestured to Paragraph 131, not 161.</p> <p>21 THE WITNESS: Oh, did I say 161? Sorry.</p> <p>22 MR. FRANKEL: I believe you did.</p> <p>23 A. 133.</p> <p>24 MR. TOMASULO: Whatever, that's fine.</p> <p>25 Q. You did say 161.</p>  |

|    | Page 62   | Page 64   |
|----|---|---|
| 1  | A. I apologize.   | 1 A. Yes.   |
| 2  | Q. Well, what is the small box at the lower-left part of the screen?  | 2 Q. And do you know what those five boxes are supposed to represent?                                 |
| 3  |   | 3 A. Not offhand.   |
| 4  | A. This looks like a variety of the maps, so I believe it's showing your visibility box and players outside the visibility box.   | 5 Q. And do you know if all -- so there's two boxes that are outside the -- if you -- I'm going to -- |
| 5  |   | 6   |
| 6  |   | 7   |
| 7  | Q. Do you know if this is an accurate representation of the screen grab or whether this has been modified?  | 8 You see the two boxes that are at the top of the field map?   |
| 8  |   | 9   |
| 9  |   | 10 A. Yes.  |
| 10 | A. I can't recall for that red box if that was there or added.  | 11 Q. And there are two that are outside of there; right? Do you see that?                            |
| 11 |   | 12 A. I believe I know what you're referring to.  |
| 12 | Q. What red box are you talking about?  | 13 Q. So I'm going to circle them on mine, and  |
| 13 | A. The box I believe you're referring to in the left corner.  | 14 I'd ask you to do the same. So I've circled these two. Do you see?                                 |
| 14 |   | 15 A. Okay.   |
| 15 | MR. FRANKEL: Counsel, do you want to have the witness circle it on the exhibit? Would that be helpful? Use a different-colored pen or something?                              | 16 Q. You can circle the same two at the top.   |
| 16 |   | 17 And do you know why those two that have  |
| 17 |   | 18 been circled are outside of this box?  |
| 18 |   | 19 A. I'm not sure. It may be expressing that they're outside the visibility range.                   |
| 19 | Q. Yeah, I think it's better if you do it --  | 20 Q. So do you know if those were added or   |
| 20 | MR. FRANKEL: Exhibit 6.   | 21 whether those are part of the screen grab?   |
| 21 | Q. Exhibit 6 is bigger. I'm a little unclear what we're talking about here.   | 22 A. I am not sure.  |
| 22 |   |   |
| 23 | MR. FRANKEL: Whatever it is you want the witness to talk about, why don't we circle that on the exhibit.  |   |
| 24 |   |   |
| 25 |   |   |
|    | Page 63   | Page 65   |
| 1  | Q. There's a map -- in the lower left hand there's a box; correct?  | 1 Q. And in playing the game, did you ever come   |
| 2  | A. Yes.   | 2 to see a field-of-view map or something like that,  |
| 3  |   | 3 expressed down at the bottom left?  |
| 4  | Q. And then in the box there's three blueish figures; correct?  | 4 A. Yes, I recall field-of-view maps in the  |
| 5  |   | 5 bottom left, but I can't recall the specific shapes   |
| 6  | A. Yes.   | 6 or pictures.  |
| 7  | Q. And then below each of those blueish figures there's some other kind of box as well; correct?  | 7 Q. So you don't know whether this is an   |
| 8  |   | 8 accurate field-of-view map or whether it's been   |
| 9  |   | 9 annotated?  |
| 10 | A. It's a bit hard to make out, but there seems to be -- like you're saying there's some little red dot below them?   | 10 A. I would say I would have to go back and   |
| 11 |   | 11 check. I'm not sure.   |
| 12 |   | 12 Q. What would you check?   |
| 13 | Q. Something like that. And then outside the box, on the top, there's two more of those figures, which have both the blue and whatever the red thing is underneath it; right? | 13 A. Again, I'd start by asking counsel to find  |
| 14 |   | 14 the provenance of the screenshot.  |
| 15 |   | 15 Q. As you sit here now, you just don't know if   |
| 16 |   | 16 this is accurate or not; right?  |
| 17 | A. Yes.   | 17 MR. FRANKEL: Objection to form.  |
| 18 | Q. Here's a magnifying glass, if that's of help for either counsel or the witness.  | 18 A. I guess I'm not clear on what you mean by   |
| 19 |   | 19 "is accurate or not." Accurate in what sense;  |
| 20 | MR. FRANKEL: Counsel, do you want the witness to just maybe annotate Exhibit --   | 20 right? I mean, like I've explained the image is for  |
| 21 |   | 21 illustrative purposes and the context in which one   |
| 22 | MR. TOMASULO: I have some questions. Let's see if I can do it my way here.  | 22 would understand the illustration in Paragraphs 129  |
| 23 |   | 23 to 131.  |
| 24 | Q. So there's five of these combo boxes of the blue and red; correct?   | 24 Q. What do you mean, "for illustration   |
| 25 |   | 25 purposes"?   |

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| <p style="text-align: right;">Page 66</p> <p>1        A. So it was designed to show a situation<br/>     2 where you would have a -- in the context of a<br/>     3 four-by-four Deathmatch, you would have a data-<br/>     4 transfer graph that was 3-regular but not complete.<br/>     5        Q. And so this is to illustrate your testimony<br/>     6 as opposed to evidence that it actually happened.<br/>     7 Would you say that that's correct?<br/>     8              MR. FRANKEL: Objection to form.<br/>     9        A. Again, I might phrase it differently. I<br/>     10 would say that this would be an instance that would<br/>     11 occur in the game and that such occurrences would<br/>     12 regularly happen in the game according to this type<br/>     13 of setup.<br/>     14        Q. Just to be clear, you didn't make the<br/>     15 screen grab; correct?<br/>     16        A. No.<br/>     17        Q. It's not based on any personal observation<br/>     18 you made; right?<br/>     19        A. I mean, the specific screen grab, no. The<br/>     20 fact that, again, players could be positioned in<br/>     21 this way, I would say that matches my experience in<br/>     22 gameplay.<br/>     23        Q. When you did play, did you observe any<br/>     24 restrictions on your ability to move around in the<br/>     25 Grand Theft Auto Online world?</p>  | <p style="text-align: right;">Page 68</p> <p>1        A. I believe so. Well, it's a screen grab<br/>     2 taken, and what we're showing or representing is<br/>     3 what Figure 1 -- what Player 1, essentially what<br/>     4 their field of vision looks like or what their --<br/>     5 what is around them.<br/>     6        Q. Is Player 1 playing this game, or is Player<br/>     7 2 playing the game?<br/>     8              MR. FRANKEL: Objection, form.<br/>     9        Q. Player 3 or Player 4.<br/>     10       A. They are all in the game.<br/>     11       Q. Well, this would be appearing on<br/>     12 somebody's -- being generated by one of their<br/>     13 consoles and showing up on one of their monitors;<br/>     14 right?<br/>     15       A. I believe that would be one way to get this<br/>     16 picture, yeah.<br/>     17       Q. And so is it -- is this screen grab taken<br/>     18 from Player 1's simulation?<br/>     19       A. I'm not sure, but I believe so.<br/>     20       Q. And then who would -- let's assume it is.<br/>     21 Who would have positioned Players 2, 3, 4, 5, and 6?<br/>     22       A. Who would have positioned?<br/>     23       Q. In other words, why would Player 2, 3, 4,<br/>     24 5, and 6 occupy the positions that they're in in the<br/>     25 open world, the virtual positions?</p> |
| <p style="text-align: right;">Page 67</p> <p>1              MR. FRANKEL: Objection to form.<br/>     2        A. Define what you mean by "restrictions."<br/>     3 There are certain things -- when there are walls in<br/>     4 the way, you have to go around them and such like<br/>     5 that.<br/>     6        Q. Leaving aside obvious obstructions and<br/>     7 things like that, and boundaries, was there anyplace<br/>     8 that you couldn't go in the free-roam world?<br/>     9        A. Again, the free-roam world is a design that<br/>     10 you can roam around in the context of rules within<br/>     11 the gameplay. There are various rules or settings<br/>     12 that you can't walk into walls, you have to go<br/>     13 around things. There are limitations in terms of to<br/>     14 get from one point to a further point it would take<br/>     15 a -- I suppose it's plausible that you could walk<br/>     16 there in a very long time, but you couldn't really<br/>     17 reach it unless you had an automobile.<br/>     18        I mean, but I guess I find that a vague<br/>     19 question. But the purpose of the open-space<br/>     20 gameplay is that you can, you know, go through the<br/>     21 areas prescribed by the gameplay.<br/>     22        Q. Assuming this is from a four-on-four<br/>     23 Deathmatch, this Figure 6, is it correct that this<br/>     24 is shown from the perspective of Player 1, who would<br/>     25 be playing the game?</p> | <p style="text-align: right;">Page 69</p> <p>1        A. So in the course of gameplay the players<br/>     2 will take various positions or locations as they<br/>     3 play the game.<br/>     4        Q. So Player 2 would be responsible for Player<br/>     5 2's location in the open world.<br/>     6        A. Generally, yes.<br/>     7        Q. And similarly for 3, 4, 5, and 6?<br/>     8        A. Right, generally the players would control<br/>     9 their positions, although they could be coordinating<br/>     10 or working as a team in various ways.<br/>     11       Q. There's no relay servers shown in Figure 6;<br/>     12 right?<br/>     13       A. In Figure 6? Do you mean Exhibit 6?<br/>     14       Q. Exhibit 6, yes.<br/>     15       A. That is correct.<br/>     16       Q. Why is that?<br/>     17       A. I guess I'm not clear on the question. I<br/>     18 mean, you would never see a relay server in a screen<br/>     19 grab in any circumstances, I think. But I'm not<br/>     20 clear on what your question is.<br/>     21       Q. Is this meant to depict -- is this Figure 6<br/>     22 meant to depict the network?<br/>     23       A. Exhibit 6 --<br/>     24       Q. Sorry, Exhibit 6.<br/>     25       A. -- is meant to be an illustration of what</p>   |

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| <p style="text-align: right;">Page 166</p> <p>1           And then there's going to be one park<br/>2 relay server.</p> <p>3           A. Yes.</p> <p>4           Q. One park relay server.</p> <p>5           So we have a total of 41 participants;<br/>6 is that right?</p> <p>7           A. Yes.</p> <p>8           Q. And so let's figure out how they're<br/>9 connected. So you say that each participant in the<br/>10 sub-games is going to be directly connected to each<br/>11 of the other nine players in that sub-game; is that<br/>12 right?</p> <p>13          A. Yes.</p> <p>14          Q. And then you come to the conclusion that<br/>15 it's a 9-regular network.</p> <p>16          MR. FRANKEL: Objection to form.</p> <p>17          A. That subpart is a 9-regular network. It<br/>18 becomes 10-regular when you include the connection<br/>19 to the MyPARK relay server.</p> <p>20          Q. So each of the player participants has nine<br/>21 connections to other players.</p> <p>22          A. Yes.</p> <p>23          Q. And each of the player participants has a<br/>24 connection to the MyPARK server.</p> <p>25          A. Yes.</p>   | <p style="text-align: right;">Page 168</p> <p>1           then.</p> <p>2           MR. FRANKEL: Mike, if you want to take<br/>3 a break, that's fine.</p> <p>4           MR. TOMASULO: Let's just take five<br/>5 minutes.</p> <p>6           THE VIDEOGRAPHER: The time is 3:27.<br/>7 We're off the record.</p> <p>8           (Recess taken.)</p> <p>9           THE VIDEOGRAPHER: This is the beginning<br/>10 of Media No. 6. We're back on the record. Time is<br/>11 3:44.</p> <p>12          Q. Let's go to Page 1 of your report.</p> <p>13          A. Page 1?</p> <p>14          Q. Yeah, I think that's right.</p> <p>15          MR. FRANKEL: Counsel, his opening<br/>16 report?</p> <p>17          MR. TOMASULO: Opening report, correct.</p> <p>18          Q. So in the summary chart, beginning at Page<br/>19 1, you say that --</p> <p>20           First of all, what's the Rockstar<br/>21 protocol network?</p> <p>22          A. I think I use that generally. Rockstar<br/>23 protocol is the protocol designed by Rockstar, and<br/>24 the Rockstar Protocol Network is just sort of a<br/>25 general term describing -- referring to the network</p>  |
| <p style="text-align: right;">Page 167</p> <p>1           Q. So the MyPARK server has a total of 40<br/>2 connections.</p> <p>3           A. I believe that's right.</p> <p>4           Q. So in this configuration the players each<br/>5 have ten connections and the park relay server<br/>6 participant has 40 connections; right?</p> <p>7           A. I think that's right.</p> <p>8           Q. And so that's not an m-regular incomplete<br/>9 network; right?</p> <p>10          MR. FRANKEL: Objection to form.</p> <p>11          A. So we'd have to go back to, I think, my<br/>12 reply report. But I think that particular<br/>13 configuration is discussed as a DOE equivalent.</p> <p>14          Q. So it doesn't meet the literal definition<br/>15 of an m-regular incomplete network because the<br/>16 MyPARK server participant has 40 connections and the<br/>17 player participants have 10; correct?</p> <p>18          A. Give me one sec to check, but....</p> <p>19           As I recall, that's right, yes.</p> <p>20          Q. Okay. And if we're talking about a<br/>21 single-game -- well, I think we've already covered<br/>22 that.</p> <p>23          MR. TOMASULO: How long have we been<br/>24 going since the last break?</p> <p>25          THE VIDEOGRAPHER: 44 minutes since</p> | <p style="text-align: right;">Page 169</p> <p>1           that arises -- or networks that arise in the course<br/>2 of gameplay on top of the Rockstar protocol.</p> <p>3           Q. So if a group of players, let's say 30<br/>4 players are playing Grand Theft Auto Online, they<br/>5 will use what you're calling the Rockstar protocol<br/>6 to form the Rockstar protocol network?</p> <p>7          MR. FRANKEL: Objection to form.</p> <p>8          A. They conceivably could form a network on<br/>9 top of the Rockstar protocol. I'm not clear that,<br/>10 you know -- again, it's discussed in the specific<br/>11 claim construction what corresponds to the network<br/>12 in different situations, including, I think, some of<br/>13 the examples we've discussed earlier today.</p> <p>14          Q. Is the Rockstar protocol -- when does -- is<br/>15 the Rockstar protocol network, is that what you're<br/>16 accusing of infringement?</p> <p>17          A. Again, here, like what the instantiation is<br/>18 of the Rockstar protocol network I think is given in<br/>19 more details with regards to the specific claim<br/>20 elements. Like here I'm just stating it as sort of<br/>21 a general term, referring to the networks formed on<br/>22 top of the Rockstar protocol that correspond to<br/>23 infringing networks. It's not meant to be like<br/>24 here's a single network that infringes. There are<br/>25 different infringing scenarios, I think, discussed</p> |

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1 REPORTER'S CERTIFICATE.

2 I, Alan H. Brock, Registered Diplomatic Reporter  
3 and Certified Realtime Reporter, certify:

4 That the foregoing proceedings were taken before  
5 me at the time and place therein set forth, at which  
6 time the witness was put under oath by me;

7 That the testimony of the witness, the questions  
8 propounded, and all objections and statements made  
9 at the time of the examination were recorded  
10 stenographically by me and were thereafter  
11 transcribed;

12 That a review of the transcript by the deponent  
13 was not requested;

14 That the foregoing is a true and correct  
15 transcript of my shorthand notes so taken.

16 I further certify that I am not a relative or  
17 employee of any attorney of the parties, nor  
18 financially interested in the action.

19 I declare under penalty of perjury under the laws  
20 of Massachusetts that the foregoing is true and  
21 correct.

22 Dated this 30th day of July, 2018.

23

*Alan H. Brock*

24

Alan H. Brock, RDR, CRR

July 27, 2018

1                   ERRATA SHEET FOR THE TRANSCRIPT OF:  
2 Case Name: ACCELERATION v. TAKE TWO INTERACTIVE SOFTWARE, INC.  
3 Dep. Date: 7-27-18  
4 Deponent: MICHAEL MITZENMACHER, Ph.D.

## CORRECTIONS:

| Pg. | Ln.   | Now Reads                                      | Should Read                                     | Reason        |
|-----|-------|--|---|---------------|
| 77  | 16    | deposition-testimony documentation and so on,  | deposition testimony, documentation, and so on, | typographical |
| 89  | 8     | send to  | sent to   | typographical |
| 92  | 2     | foot blancing                                  | load balancing                                  | typographical |
| 157 | 9     | clear reader                                   | clearer read                                    | typographical |
| 164 | 19-20 | such a broad class channel (sic).              | such a broadcast channel.                       | typographical |
| 219 | 11    | we "computer" generally should understood(sic) | we should understand "computer" generally       | typographical |
| 220 | 13    | Softwares                                      | Software  | typographical |
| —   | —     | —  | —   | —             |
| —   | —     | —  | —   | —             |
| —   | —     | —  | —   | —             |
| —   | —     | —  | —   | —             |

12                     
13 MICHAEL MITZENMACHER, Ph.D.

14                   Subscribed and sworn to before me this  
15                   \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

16                   Notary Public  
17                   My Commission Expires: \_\_\_\_\_

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July 27, 2018

1 CERTIFICATE OF DEPONENT  
2

3 I, the undersigned, declare, under the penalty  
4 of perjury, that I have read the foregoing transcript,  
5 and I have made any corrections, additions, or deletions  
6 as I deemed necessary. The foregoing is a true and  
7 correct transcript of my testimony contained therein.

8  
9 Dated: 7/28/18 Signed at: LEXINGTON MA  
(City, State)

10  
11 BY: M. Mitzenmacher  
12 MICHAEL MITZENMACHER, Ph.D.  
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